

MINUTES OF THE VINEYARD TOWN COUNCIL MEETING
VINEYARD TOWN HALL,
240 EAST GAMMON ROAD, VINEYARD, UTAH
JUNE 8, 2016 AT 6:00 PM

6:00 PM WORK SESSION WITH STAFF

Present

Mayor Randy Farnworth
Councilmember Tyce Flake
Councilmember Dale Goodman
Councilmember Nate Riley

Absent

Councilmember Julie Fullmer

Staff Present: Utah County Sheriff's Deputy Collin Gordon, Building Official George Reid, Public Works Director/Engineer Don Overson, Planner/Economic Development Morgan Brim, Town Clerk/Recorder Pamela Spencer, Finance Director Jacob McHargue, Planning Commission Chair Chris Judd, Attorney David Church, Water/Sewer Operator Sullivan Love, Treasurer Christian Peterson.

Others Present: Jeff Walker, Gerald Anderson and Stewart Park with Anderson Development, Wayne Holdaway and resident and Planning Commission alternate Cristy Welsh, Residents James Vance, and Brent Griffin.

Work Session: Mayor Farnworth opened the meeting at 6:02PM. He introduced Morgan Brim the new Planning and Economic Development Director.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE

COUNCIL: Planning Commission Chair Chris Judd – Chair Judd reported that The Forge Plat was only a plat and not for site plans. He commented that they were having an open work session meeting at the next Planning Commission meeting on June 15. He stated that this meeting would be for the residents and family members of the Clegg property to meet. He felt that they needed to properly notice for any General Plan amendments recommended. Councilmember Riley mentioned that he had reached out to the family and that they would attend. Chair Judd explained that he had asked Planning Commissioner Tim Blackburn to help moderate the public comment. He said that he asked Deputy Gordon to attend. Councilmember Riley stated that the family members were coming from different perspectives. Chair Judd mentioned that notices and flyers had been handed out about the meeting and to receive feedback. Deputy Gordon said that he would make arrangements to have a deputy in attendance.

COUNCILMEMBERS' REPORTS

Councilmember Nate Riley – Councilmember Riley asked Public Works Director Don Overson if they could have adequate internet service on Holdaway Road and 400 South. Mr. Overson replied that he met with First Digital and they would be providing one (1) gigabyte of service to the Waters Edge area. He said that the line would be run along 400 South and Holdaway Road. He suggested that the line could possibly service those areas. Councilmember Riley mentioned that he was told that there was an elevated line on the polls. Mr. Overson replied that First Digital did not want to sign an agreement with the town so they contracted with the power

company. He explained that it would only be internet service and would find out what they needed to do to get access to it.

Councilmember Riley reported that he and Mr. McHargue had met with resident Dave Robins about the property that was immediately west of Gammon Park. He said that there was no longer a financial pressure because of the sale of other property. Mrs. Robins was taken care of financially and they were now in a wait and see mode. They would like to get the property taken care of before she passes away. Mrs. Robins would like to see the land left as open space but the terms and price had gone up. He said that they might have to look at other financing such as a bond, if they were wanting to preserve the open space. They were asking the town to resubmit their proposal. Councilmember Flake mentioned that he knew residents that were willing to help. Mr. Judd asked if they had gotten an appraisal on the land. Mayor Farnworth explained that they had nothing to compare it to in the past and now that with the sale of other Robin's property they had something they could compare it to. Councilmember Riley mentioned that they had multiple standing offers for the land but wanted the town to have the first right of refusal. He said that it was other family members that were interested in the higher dollar value and Mrs. Robins would like to take care of the purchase while she was still making the decisions. Town Planner Morgan Brim asked how restrictive the property would be. Mr. McHargue replied that they were open to having a discussion on the types of uses as long as it was a public use. Councilmember Riley stated that they needed to stipulate it in the agreement that the town would keep it for public use.

Mayor Farnworth mentioned that Councilmember Riley and Mr. Brim would attend the Economic Development Corporation of Utah (edcUtah) meetings.

Councilmember Julie Fullmer – Councilmember Fullmer was not present at this time. Mr. McHargue mentioned that the town party was the next day. He explained that residents could attend all day, but from 7PM to 9PM was exclusive to the town. He said that residents would receive wristbands to get them out of the parking lot free of charge.

Councilmember Dale Goodman – Councilmember Goodman had no new items to report. Mayor Farnworth reported that they were looking at restructuring the TSSD Board. He said that Mayors Hadfield and Wilson were trying to get the board down to a smaller number. He said that those members being left out felt that they should have a voice because they use TSSD services. He added that two (2) of the board members worked for TSSD and felt it was a conflict of interest. He said they were asking Vineyard to relinquish their voice on the board and he told them they would not. He said the mayor from Highland suggested that they divide it by areas and have one representative from each area.

Councilmember Goodman mentioned that he attended the Pleasant Grove Council meeting because they were creating a Transportation Utility Fee and American Fork was looking at adding one. There was discussion on fees charged.

Councilmember Tyce Flake – Councilmember Flake had no new items to report.

MAYOR'S REPORT – Mayor Farnworth reported that he attended the Lake Commission event last Saturday.

ITEMS REQUESTED FOR FUTURE AGENDAS – no items were submitted

AGENDA REVIEW

The Forge

Mr. Judd commented that it was good to see Intermountain Healthcare listed on the plat.

Mayor Farnworth mentioned that there was verbiage on the Cottonwood's plat that he wanted Mr. Church to look at.

Mr. Judd said that he had heard that the Forge was struggling to get movement from R2R. He asked what the town could do to put pressure on them for the road that they would share. Mayor Farnworth stated that it was a private issue and did not know what they could do.

Councilmember Riley mentioned that he tried last winter and felt the town had given them concessions and they had not done anything. Mr. Judd felt it was a safety concern with parking issues. He said that most cities require the property owner to fence the property. Councilmember Riley stated that it had impacted the surrounding properties. Mr. Brim said that he would look into it.

2016-2017 Fiscal Budget

Mayor Farnworth explained that they were postponing the budget approval until June 22 because they had not received the certified tax rate from the state.

Fire and EMS agreement

Attorney David Church pointed out that they needed to give Orem one fiscal year's notice. He mentioned that Orem had made the requested changes, which meant they would be paying Orem to cover insurance so the town did not have to take the risk. Mr. McHargue explained that Orem took the cost of one fire station and to come up with a per ERU cost. He said that the new calculations would not affect the budget. Mr. Church mentioned that they would need to adopt a couple of ordinances and resolutions once the agreement was approved. Councilmember Riley asked about the appeal board. Mr. Church replied that it was a fire code issue and they would appoint representatives for an advisory board from each entity. Councilmember Riley asked if Orem had approved the agreement. Mr. McHargue replied that Orem would approve it at their next council meeting. Mr. Church explained that there would be an obligation in the contract to build a fire station when the town reached a certain level of growth. Councilmember Riley asked if they had an estimate for when that would happen. Mr. Church replied that they would have three (3) years from when they reach 5,500 ERUs. Mr. McHargue mentioned that Orem would not be purchasing any equipment until the station was built.

Franchise agreement

Mr. Church explained that this was a standard franchise agreement.

Amending the Zoning Ordinance

Mayor Farnworth explained that this was an open public hearing and that they would continue it until the new planner was familiar with the code.

Town Clerk Pamela Spencer explained the special event permit on the consent item. Mr. Church felt that it was a fire department issue and they needed to get a permit from them. There was further discussion on fire permits and regulations. Deputy Gordon agreed to help make arrangements but was not sure they could get a brush truck on such short notice.

Mr. Church reported on the railroad agreement. He said that they had received a draft of the construction and maintenance portion of the agreement, which did not need to be finalized until they close on the property. He said that in the property exchange agreement they wanted to keep

the option to only acquire an easement if they were not satisfied with the quality of environmental cleanup. He added that they would not credit the town the same amount of money as if they were owners. He asked Anderson Development if they would be given the land in the condition that they could give the town a “no further action letter.” Stewart Park with Anderson Development replied that they would give the town everything they had on it. He said the they understood that there were no environmental conditions that existed. Mr. Church stated that he was talking about the new right-of-way. Mr. Park replied that they had not seen the location of the new-right-of-way. Mr. Church explained that there was a description of the area no on the Martin Snow property. Gerald Anderson with Anderson Development mentioned that there was no such thing as “no contamination,” and the question was at what level would they allow. He said that if it was industrial standard then they should be fine. Mr. Church said that they would be paying Anderson as if it was cleaned up to an industrial standard. Mr. Anderson said that they had not seen the additional right-of-way request. Mr. Park said that on the right-of-way going through the Eastlake development there were no environmental conditions beyond an industrial standard. He added that they had not seen the description of bend by the CAMU. Mr. Overson explained that they had the description but the curve was not what Union Pacific was showing on their design that was not where the original curve was. Mr. Church mentioned that the railroad was giving them a cleanup disclosure. He mentioned that there were restrictions on the use of the property. He said that the railroad did not care about the deal and would only credit the town for what their appraisal said it was worth. Councilmember Riley asked why they would not only do the easement and how could they protect themselves against that. Mr. Church replied that if Phase 2 showed something they were worried about then they wanted the option to say that the town was the owner and they would have an easement. Mr. Anderson said that they had not seen where the right-of-way past Eastlake where it turned around the slag pile should be. He said that they could not say that it was cleaned up to an industrial standard but it should be. Mr. Overson mentioned that the ditch would not be cleaned up. Mr. Park said that there was SMU and added that they could address it. He mentioned that he was working with Mr. Overson on the cleanup of the ditch. Mr. Anderson said that they had not made any commitments about what they would or would not do until they received a legal description. Mr. Overson replied that he would get the legal description to them. He explained that JUB Engineers and the railroad’s engineering company had been working on the alignment. Mr. Anderson asked if it was a slope easement or right-of-way. Mr. Overson replied that it was all right-of-way. Mr. Park stated that there was difference in elevation where it crossed 1600 North and headed south. There was discussion on the properties that the right-of-way would cross.

Mr. Church reminded them that the time-period would start as soon as both parties signed the agreement. He said that they did not want to sign it if they did not know the right of way. Mr. Park said that he would have Jerry Grover and others work on finding out what was in the land as soon as they get the description.

There was discussion on timing of the meetings.

Council took a short break.

7:15 PM REGULAR SESSION

Present

Mayor Randy Farnworth
Councilmember Tyce Flake
Councilmember Julie Fullmer (7:35PM)
Councilmember Dale Goodman

Absent

Councilmember Nate Riley

Staff Present: Utah County Sheriff's Deputy Collin Gordon, Building Official George Reid, Public Works Director/Engineer Don Overson, Planner/Economic Development Morgan Brim, Town Clerk/Recorder Pamela Spencer, Finance Director Jacob McHargue, Attorney David Church, Water/Sewer Operator Sullivan Love, Treasurer Christian Peterson.

Others Present: Jeff Walker, Gerald Anderson and Stewart Park with Anderson Development, Residents and Planning Commissioners Chris Judd, Wayne Holdaway, and Cristy Welsh, Residents James Vance, Brent Griffin, James and Christy Noble, Jeff Gochnour with Cottonwood Partners.

Regular Session: Mayor Farnworth opened the Regular session at 7:15 PM. He gave the invocation.

CONSENT ITEMS:

- a) Approval of the May 11, 2016 meeting minutes
- b) Approval of Special Event Permit – Concord Apartments

Mayor Farnworth called for comments on the consent items. Hearing none, he called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED APPROVE THE MINUTES AS NOTED AND APPROVE THE SPECIAL EVENT PERMIT WITH A STIPULATION THAT THEY OBTAIN THE PROPER PERMITS. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

STAFF REPORTS

Public Works Director /Engineer– Don Overson – Mr. Overson reported that they would soon be going vertical on the Public Safety building. He mentioned that the landscaping contracts for Main Street, Vineyard Road, 400 North, and the Loop Road had been awarded. He explained that when they install the landscaping they would have to restrict Main Street to two (2) lanes for a couple of weeks. He said that 400 North would be open next week. He stated that they would be landscaping on Center Street, 300 West, and Main Street from the roundabout south, including the roundabout.

Attorney – David Church – Mr. Church had no new items to report.

Utah County Sheriff's Department – Deputy Collin – Deputy Gordon reported that things were going well in the town. He mentioned that he would be out of town June 15 through June 30. He added that he would have limited service and would return calls when he did have service. He said that he had arranged for other deputies to cover his shifts. He stated that he had arranged for the inmate work crew to come back on June 15 and 16 to do more projects.

Planner/Economic Development – Morgan Brim – Mr. Brim introduced himself and gave a brief background on his qualifications.

Finance Director – Jacob McHargue – Mr. McHargue reported on the Town's Summer Celebration at 7 peaks on Thursday June 9, 2016.

Town Clerk/Recorder – Pamela Spencer – Ms. Spencer had no new items to report.

Building Official – George Reid – Mr. Reid reported that construction was in full swing, school was out, and the building department was making sure construction sites were safe.

OPEN SESSION: *Citizens' Comments*

Mayor Farnworth called for public comment. Hearing none, he closed the public session.

BUSINESS ITEMS:

5.1 DISCUSSION AND ACTION – The Forge Preliminary and Final Subdivision Plat

Applicants Cottonwood Geneva LLC; John West and Jeff Gochnour are requesting preliminary and final subdivision approval for The Forge, located on the Southwest corner of the Vineyard Connector and Geneva Road. The Town Council will take appropriate action.

Mayor Farnworth turned the time over to Town Planner Morgan Brim.

Mr. Brim gave a brief overview of The Forge and their request. He stated that Planning Commission recommended approval. He mentioned that any design elements would be taken care of during the site plan.

Jeff Gochnour explained that the plat that was approved by Planning Commission was an older version and the one the Council had reflected the modifications requested by the Town Engineer. Mr. Gochnour explained that on the plan they had changed the address to 650 North, the utility easement was increased to ten (10) feet, and the rest was technical information they needed to include.

Mayor Farnworth called for further discussion. Hearing none, he called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE PROPOSED THE FORGE PLAT A PRELIMINARY AND FINAL SUBDIVISION PLAT WITH THE FOLLOWING FINDINGS AND CONDITIONS AS NOTED:

CONDITIONS

1. ANY OUTSTANDING FEES ARE PAID.
2. ANY OUTSTANDING REDLINE CORRECTIONS ARE MADE.
3. ALL LIGHTING SHALL MEET TOWN REQUIREMENTS AND BE APPROVED BY THE PUBLIC WORKS DIRECTOR.

COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

5.2 PUBLIC HEARING – Final 2016-2017 Fiscal Year Budget

Finance Director Jacob McHargue will present the final 2016-2017 Fiscal Year budget, the certified tax rate, and adjustments to the Town's Consolidated Fee Schedule. The Mayor and Town Council will hear public comment regarding these items. The tentative budget was discussed and approved at the May 25, 2016 Town Council meeting.

The Mayor and Town Council will possibly act to approve by resolution the final budget and set the certified property tax rate for the 2016-2017 Fiscal Year.

The Mayor and Town Council by resolution will act to approve (or deny) the amended Town's Consolidated Fee Schedule.

Mayor Farnworth called for a motion to postpone the public hearing.

Motion: COUNCILMEMBER GOODMAN MOVED TO CONTINUE THE PUBLIC HEARING TO THE NEXT MEETING. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

5.3 DISCUSSION AND ACTION – Fire and EMS Services Agreement

Finance Director Jacob McHargue will present the Fire and EMS Services Agreement received from Orem and Utah County. The Mayor and Town Council will take appropriate action. (This item is continued from the March 23, 2016 Town Council meeting).

Mayor Farnworth turned the time over to Finance Director Jacob McHargue.

Mr. McHargue explained that they had been working with Orem on the contract. He mentioned that the biggest issue was insurance. He said that Orem wanted the town to carry their own insurance and they would have to create a separate legal entity to do that so they asked to pay Orem an insurance cost each year. He said that they would be paying an insurance cost for workers comp as well as general liability. He explained that another issue was that the Fire Marshall would have ultimate say over the Fire Marshal duties and that Orem had given the right back Vineyard to choose who they wanted to use. He said that when they assign a Fire Marshal it would last an entire fiscal year. Mr. Reid said that it was up to the council but felt that the Building Department was taxed on man-hours. He mentioned that he would like to sit down with the Fire Marshal from Orem and discuss expectations. He explained that he did have certified staff, but it was up to the council. Mr. McHargue said that they discussed the exit clause and wanted to make sure that Orem would not be hiring additional staff and purchasing additional equipment until Vineyard built their own fire station. He mentioned that there were ordinances, resolutions that needed adopted, and they needed to assign a board member to work with Orem. Mr. Church stated that it was a standard agreement. He explained the insurance issue. Councilmember Riley expressed his appreciation to the staff for their work on the agreement that would give the town continued services.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER RILEY MOVED TO APPROVE THE FIRE AND EMS SERVICE AGREEMENT BETWEEN VINEYARD AND OREM.

Amended Motion: COUNCILMEMBER RILEY MOVED TO APPROVE THE FIRE AND EMS SERVICE AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT ONCE OREM CITY APPROVES IT. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Councilmember Fullmer entered the meeting at 7:35PM.

5.4 DISCUSSION AND ACTION – Emery Telecommunications & Video, Inc. Franchise Agreement

Staff will present a Franchise Agreement between the Town of Vineyard and Emery Telecommunications & Video, Inc. The Mayor and Town Council will act to approve (or deny) this agreement by Ordinance.

Mayor Farnworth explained that this was a standard agreement. He called for further comments. Hearing none, he called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE EMERY TELECOMMUNICATIONS & VIDEO, INC. FRANCHISE AGREEMENT WITH THE TOWN OF VINEYARD. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, GOODMAN, AND RILEY VOTE AYE. MOTION CARRIED UNANIMOUSLY.

5.5 PUBLIC HEARING - Amendments to the Town Zoning Ordinance, Town Zoning Map, Town Land Use Map

The Mayor and Town Council will review the Town Zoning Ordinances, Town Zoning Map, and Town Land Use Map and hear public comment regarding these items. The Mayor and Town Council will possibly act to adopt amendments by ordinance after receiving recommendations from the Town Planning Commission. This public hearing shall remain open until August 2016.

Mayor Farnworth explained that they were going to continue the public hearing until the new planner was familiar with the code. He called for a motion.

Motion: COUNCILMEMBER RILEY MOVED TO CONTINUE THE PUBLIC HEARING. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

CLOSED SESSION – No closed session was held.

ADJOURNMENT

Mayor Farnworth called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO CLOSE THE MEETING AT 7:38PM. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is June 22, 2016.

MINUTES APPROVED ON: June 22, 2016

CERTIFIED CORRECT BY: /s/ Pamela Spencer
P. SPENCER, TOWN CLERK/RECORDER